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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/020,756

12/12/2001

Hyung-Chul Kim

678-690 (P9687ST/2)

8686

66547 7590 10/15/2007  
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EXAMINER

LASTRA, DANIEL

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

10/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/020,756

Applicant(s)

KIM, HYUNG-CHUL

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. Claims 1-11 have been examined. Application 10/020,756 (METHOD FOR DISPLAYING ADVERTISEMENT USING SHORT MESSAGE SERVICE IN A PORTABLE MOBILE TERMINAL) has a filing date 12/12/2001 and foreign priority 12/30/2000.

### ***Response to Amendment***

2. In response to Non Final Action filed 04/05/2007, the Applicant filed an Amendment on 07/06/2007, which amended claim 6. Applicant's amendment overcame the Section 112 rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern (US 6,381,465) in view of Bomze (US 2003/0181201).

Claim 1, Chern teaches:

A method for reducing a call fee by improving the efficiency of mobile communication by utilizing a short message service (SMS) in a portable mobile terminal to display an advertisement, comprising the steps of:

receiving and storing advertisement data from an SMS-based advertisement service provider (see col 13, lines 35-65); and

displaying on a portable mobile terminal the advertisement data (see col 13, lines 35-65). Chern fails to teach and storing advertisement schedule data and displaying the advertisement according to the schedule data. However, Bomze teaches storing advertisement schedule data in a mobile terminal and displaying advertisements in said mobile terminal according to said schedule data (see paragraph 45). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Chern would store advertisements' schedule data in a mobile terminal, as taught by Bomze in order to display said advertisements according to said schedule data and avoid the need to constantly download advertisements from a server.

Claim 2, Chern teaches:

The method as claimed in claim 1, further comprising the steps of  
accessing a server of the SMS based advertisement service provider to select a desired advertisement and a desired advertisement time (see col 13, lines 50-65); and

Chern fails to teach sending a phone number of the portable mobile terminal to the server for subscribing the SMS advertisement service. However, Bomze teaches using the phone number of a mobile device for purpose of targeting ads to said device (see paragraph 40). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Chern would use the mobile subscriber's phone number, as taught by Bomze in order to identify mobile users and therefore, target ads to said subscriber based upon said identification.

Claim 3, Chern teaches:

The method as claimed in claim 1, wherein an SMS message includes an advertisement identifier (Ad 1D) indicating that the SMS message is an advertisement message (see col 13, lines 40-50).

Claim 4, Chern fails to teach:

wherein the advertisement schedule data comprises:

start time information of the advertisement; expiration time information of the advertisement and display day information of the advertisement. However, the same rejection applied to claim 1 regarding this missing limitation is also applied to claim 4.

Claim 5, Chern fails to teach:

wherein the advertisement schedule data further comprises: rotation time information of the advertisement; and display duration time information of the advertisement. However, Bomze teaches storing advertisement schedule data in a mobile terminal and displaying advertisements according to said schedule data, where said schedule data includes rotation time information (see paragraph 45). Therefore, the same argument made in claim 1 regarding this missing limitation is also made in claim 5.

Claim 6, Chern teaches:

A method for providing an advertisement using an SMS service in a portable mobile terminal, comprising the steps of

accessing a server of an SMS-based advertisement service provider to select at least one desired advertisement and at least one desired advertisement time and to

input a phone number of the portable mobile terminal for receiving data related to a selected advertisement (see col 12, lines 5-30; col 13, lines 35-65);

receiving the selected advertisement data (see col 13, lines 35-50)

storing the received advertisement data in a memory of the portable mobile terminal in a predetermined advertisement data format (see col 13, lines 35-50) but fails to teach receiving an associated advertisement schedule from the server and storing the received advertisement schedule data in the memory of *the portable mobile terminal* in a predetermined advertisement schedule data format. However, Bomze teaches storing advertisement schedule data in a mobile terminal and displaying advertisements in said mobile terminal according to said schedule data (see paragraph 45). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Chern would store advertisements' schedule data in a mobile terminal, as taught by Bomze in order to display said advertisements according to said schedule and avoid the need to constantly download advertisements from a server.

Claim 7, Chern fails to teach:

displaying the selected advertisement data according to the advertisement schedule data and returning to an initial screen mode after displaying the advertisement for a specified time according to the advertisement schedule data. However, Bomze teaches storing advertisement schedule data in a mobile terminal and displaying advertisements according to said schedule data (see paragraph 45). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was

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made, to know that Chern would store advertisements' schedule data in a mobile terminal, as taught by Bomze and would return the mobile terminal to an initial screen mode after displaying ads in said terminal in order to allow users to continue using said mobile terminal after said displaying.

Claim 8, Chern fails to teach:

where the advertisement schedule data comprises start and expiration day information for the advertisement, display day information for the advertisement, and display duration time information for the advertisement. However, the same rejection applied to claim 1 regarding this missing limitation is also applied to claim 8.

Claim 9, Chern fails to teach:

further comprising a rotation time information for the advertisement schedule data if the selected advertisement time overlaps with at least one other selected advertisement time. However, Bomze teaches storing advertisement schedule data in a mobile terminal and displaying advertisements in said mobile terminal according to said schedule data, where said schedule data includes rotation time information (see paragraph 45). Therefore, the same argument made in claim 1 regarding this missing limitation is also made in claim 9.

Claim 10, Chern fails to teach:

further comprising the step of alternatively displaying at least two advertisements in rotation according to the rotation time information. However, Bomze teaches storing advertisement schedule data in a mobile terminal and displaying advertisements in said mobile terminal according to said schedule data, where said schedule data includes

rotation time information (see paragraph 45). Therefore, the same argument made in claim 1 regarding this missing limitation is also made in claim 10.

Claim 11, Chern teaches:

A method for displaying an advertisement using an SMS service in a portable mobile terminal, comprising the steps of

(a) checking an advertisement identifier (Ad ID) of a received message to determine whether the received message is an advertisement message (see col 14, lines 20-40);

(b) parsing, if the received message is found to be an advertisement message, advertisement data from advertisement schedule data and storing the parsed advertisement data (see col 14, lines 20-40) but fails to teach and advertisement schedule data in a memory;

(c) utilizing the stored advertisement schedule data to determine whether to insert scheduled advertisement data into a display list;

(d) checking the advertisement schedule data to determine whether to delete expired advertisement data from the display list; and

(e) determining and displaying the advertisement data in the display list according to the advertisement schedule data. However, Bomze teaches storing advertisement schedule data in a mobile terminal and displaying advertisements in said terminal according to said schedule data (see paragraph 45). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Chern would store advertisements' schedule data in a mobile



terminal, as taught by Bomze in order to display said advertisements according to said schedule and avoid the need to constantly download advertisements from a server.

***Response to Arguments***

4. Applicant's arguments filed 07/06/2007 have been fully considered but they are not persuasive. The Applicant argues that Chern does not teach accessing a server of an SMS-based advertisement service provider to select at least one desired advertisement and at least one desired advertisement time and to input a phone number of the portable terminal for receiving data related to a selected advertisement. The Examiner answers that Chern teaches that users access a notification service located in a server where said users request to receive promotions and sales (see col 11, lines 45-55). The user is providing said users' phone number to receive said promotions as said user is using a SMS mobile terminal (i.e. cellular phone"; see col 3, lines 40-60) and where said promotion is delivered at a desired advertisement time, such in a flight delay (See col 13, lines 50-65). Therefore, contrary to Applicant's argument, Chern teaches Applicant's claimed limitation.

The Applicant argues that Bomze does not teach Applicant's claim 6 because Bomze does not teach the advertisement schedule in Applicant's specification figure 3b. The Examiner answers that Applicant's claim 6 only recite advertisement schedule data and Bomze teaches displaying ads in mobile terminals based upon a schedule routine or planned presentation (see paragraphs 41 and 45). Therefore, contrary to Applicant's argument, Bomze teaches Applicant's claimed limitation.

The Applicant argues that Chern does not teach a method for checking an advertisement identifier of a received message to determine whether the received message is an advertisement message. The Examiner answers that Chern distinguishes between different types of messages delivered to user's mobile terminal (see col 13, lines 50-65). Therefore, contrary to Applicant's argument, Chern checks for ads identifiers in order to decide the ad to display.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

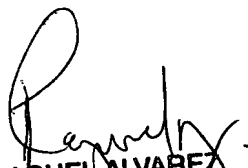
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra  
September 30, 2007

  
RAQUEL ALVAREZ  
PRIMARY EXAMINER